

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1562 OF 2005**

.....
OFFICE NOTES, OFFICE
MEMORANDUM OF CORAM,
APPEARANCES, COURT'S
ORDERS OR DIRECTIONS
AND REGISTRAR'S ORDERS
.....

COURT'S OR JUDGES
ORDERS

Shri Akhilesh S.Dubey i/by M.Tripathi & Co.
for the Petitioners.
Shri B.D.Joshi for the Respondent No.1.
Shri U.V.Nikam, A.P.P. for the Respondent
No.2.

**CORAM : A. S. OKA, J.
DATE : AUGUST 16, 2006.**

P.C.:

1. Heard the Advocates appearing for the parties. By this Petition under Article 227 of the Constitution of India read with section 482 of the Criminal Procedure Code, 1973, the Petitioner has challenged an order of issuing process passed by the learned Magistrate on a private complaint filed by the first Respondent.

2. In view of decision of this Court in the case of V.K. Jain Vs. Paratap V. Padode & Anr. reported in 2005(3) Maharashtra Law Journal Page 778 efficacious remedy of filing a Revision Application before Sessions Court is available to the

Petitioner. In view of the availability of the said remedy, Writ Petition cannot be entertained.

3. The Writ Petition is therefore dismissed. Dismissal of the Writ Petition will not preclude the Petitioners from filing Revision Application in the Sessions Court.

4. Prayer is made for continuation of ad-interim relief. The prayer is rejected.

JUDGE